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10/734,618	12/12/2003	Raymond C. Kurzweil	14202-006001	1664
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BEHNCKE, CHRISTINE M				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/734,618

**Applicant(s)**

KURZWEIL, RAYMOND C.

**Examiner**

CHRISTINE M. BEHNCKE

**Art Unit**

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-26 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is in response to the Amendment and Remarks filed 4/28/2008, in which claims 1-26 were presented for examination.

#### ***Response to Arguments***

Applicant's arguments filed 4/28/2008 have been fully considered but they are not persuasive. Applicant contends the applied Biocca reference does not teach the claimed language of "morphed by or sent in an original form to the processor" because, to the examiner's best understanding, Biocca requires in some examples an additional screen for the projection. The Examiner respectfully disagrees. Figures 1 and 3 of Biocca show that the display located on the user's head, the goggles 105, comprise the projective display 401. Even though Biocca may require the additional screen, this does not teach away from the combination or the claimed invention as the additional screen and/or the teleportal sites are different remote locations and the claim language does not explicitly exclude further system elements from being utilized. The "mere existence of differences between the prior art and an invention does not establish the invention's nonobviousness." *Dann v. Johnston*, 425 U.S. 219, 230, 189 USPQ 257, 261 (1976).

Regarding the applied reference Simmons, Applicant contends Simmons does not teach that the microphone is located in the ear canal. The Examiner respectfully disagrees. Simmons describes the "microphones on the robotics equipment at the second location placed in the appropriate ear location to be relative to the ear position of the user and moving with the remote head such that the sound captured is precisely

aligned with the sound environment" (claim 19.) In the broadest reasonable interpretation, the location to be relative to the ear position of the user is the ear canal.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-10, 13-21, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbasi, US 6,786,863, in view of Yee, US 6,016,385, and in further view of Biocca, US 2002/0080094.

Abbasi describes a remote physical contact system and method wherein a camera is coupled to a first surrogate, the camera capturing an image of a first, physical location in which the surrogate is disposed (camera 35A, element 160, location of user 10), and producing a first video image signal from the first captured image (video Figure 5, column 2, lines 54-58); a processor that receives the first video image signal (Figure 5, column 2, lines 54-58), an adapter to send the first video image signal to a communications network (computer 15, Figures 1 and 5) and receive a second, video image signal from the communication network (Figure 5), the second video image signal of a second, different physical location (camera 35B, element 165, location of user 20); and a display to display the second video image of the second, different physical location (display of computer 15). Abbasi further describes the surrogate having tactile sensors positioned along the exterior of the surrogate, the sensors sending first tactile signals to the communications network (figure 4); a body suit having tactile actuators, the tactile actuators receiving second tactile signals from the communications network

(column 6, lines 17-42); motion sensors positioned throughout the body suit (Figure 3), the motion sensors sending first motion signals corresponding to movements of each sensor relative to a reference point (column 5, lines 28-45), the first motion signals transmitted to the communications network (Figure 5); and wherein the surrogate is a first surrogate (Figure 1). Abbasi describes a second surrogate at a second location (surrogate 165), the second surrogate receiving, from the communications network (Figure 5), the first motion signals from the motion sensors (column 6, lines 17-42), the first motion signals from the motion sensors causing a movement of the second surrogate that is correlated to a movement of the body suit (column 6, lines 17-42). Abbasi further describing that the second surrogate includes motion actuators corresponding to the motion sensors (Figure 4), the motion actuators causing the second surrogate to move (column 5, lines 28-45). Abbasi further describes wherein the second surrogate comprises a microphone coupled to the second surrogate (microphone 40B), the microphone for sending audio signals (Figure 5), corresponding to sounds in the second physical location (Figure 1), to the communications network (network 30); a first microphone coupled to the first surrogate (microphone 40A); a second surrogate in the second location, the second surrogate supporting a second microphone and a second camera (Figure 1, elements 40B, 35B); and a second display in the second location to receive the first video image signals (display of computer 25) and a second speaker to receive the audio signals from the first microphone (element 45B).

Abbasi further describes a first communication gateway in the first location (computer 15); a second processor in the second location to process video from the second location (computer 25); and a second communication gateway in the second location (Figure 1), the second processor connected to the first processor via the communication network (computer network 30).

Abbasi does not describe morphing the captured video image and does not describe wherein the displays are a set of goggles or explicitly that the surrogate is a humanoid robot.

However, Yee teaches a remotely controlled robot by an operator reacting to feedback signals originating at the robot, the robot (second location surrogate) is a humanoid robot (Figure 3); a camera coupled to the robot, capturing an image of a first, physical location (cameras 22, figure 1) and a set of goggles to display the second video image of the second, different physical location (element 24, column 5, lines 11-37); the robot having tactile sensors positioned along the exterior of the robot (column 7, lines 49-58) that are transmitted to the operator that have tactile actuators that receive tactile signals (column 4, lines 5-8 and column 8, lines 10-15). Yee further teaches wherein the robot comprises a body (element 34); a microphone coupled to the body, the microphone for sending audio signals (column 4, line 51-column 5, line 10), corresponding to sounds in the second physical location, to the communications network (column 4, line 51-column 5, line 10); wherein the set of goggles further include a transducer to render the audio signals, received from the communication network, corresponding to the sounds in the second physical location (column 5, lines 1-10,

figure 1); wherein the set of goggles, comprising a wireless receiver to wirelessly receive the video image (column 9, lines 9-11); and wherein the robot comprises a transmitter to wirelessly send the audio signals, the tactile signals, the motion signals and the video image to the communications network (column 9, lines 9-11).

It would have been obvious to one of ordinary skill in the robotic and communications arts to combine the inventions of Abbasi in view of Yee because as Abbasi suggests the remote communication would be enhanced with the inclusion of tactile or other physical stimulus from one human user to another, which "enables people to expand on the notion of teleconferencing or computer communications by adding a capability to engage in all types of physical contact" (column 1, lines 60-63). Further Abbasi describes that the surrogate can be "any anatomical component" (column 2, lines 3-4) to create contact messages to reflect the physical state of the surrogate, therefore it would have been further obvious to one of ordinary skill in the robotic field to use the remote robotic control system of Yee, because the robot Yee teaches would allow the operator to sense the same environment the robot is in (column 1, lines 20-27).

Neither Abbasi nor Yee describe that the image acquired by the camera but do not describe wherein the image is morphed or overlays the image on a virtual scene. However, Biocca teaches a teleportal system to provide remote communication to a plurality of users, wherein a processor that receives a first video image signal, morphs the first video image signal and sends the morphed image signal to a second, physical location to be displayed (column 9, line 65-column 10, line 6); and wherein the

processor overlays a virtual environment over one or more portions of the video image to form a virtual scene (figures 1 and 12B, 12C). It would have been obvious to one of ordinary skill in the robotic and communication arts, to morph the acquired image because as Biocca suggests, morphing the image and overlaying the image allows the image to be perceived in a user preferred 3D or stereoscopic view that gives a more realistic view of the second location ([0038]-[0039]). Further it would have been very obvious to one of ordinary skill in the communication arts to duplicate the morphing process at the second location to send the first location, this would have provided the predictable result of the stereoscopic or overlaid view as taught by Biocca, and the duplication is suggested by Abbasi's description of enhanced communication.

***Claim Rejections - 35 USC § 103***

Claims 11, 12, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbasi in view of Yee and Biocca as applied to claims 7 and 20 above, and further in view of Simmons, US 2003/0030397.

Abbasi in view of Yee and Biocca describe the system and method of a virtual reality encounter system as applied previously. Neither Abbasi, Yee nor Biocca teach that the body of the robot includes that the cameras are positioned in the eye sockets and the microphone of the robot is positioned in the ear canal. However, Simmons teaches a system and method of controlling a robot remotely, wherein the robot is a humanoid robot (figure 5); the robot includes an eye socket and the camera is positioned in the eye socket ([0026]); and the robot includes an ear canal wherein the microphone is positioned in the ear canal ([0016]). It would have been obvious to one of



ordinary skill in the art to combine the invention of Abbasi in view of Yee and Biocca with the teachings of Simmons because as Simmons suggest, placing the sensors in the position corresponding to the human sensors aligns the sensors to the perspective of the use and better reflects the environment to the perspective of the user ([0026]) thereby giving a more realistic perception.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHRISTINE M. BEHNCKE** whose telephone number is (571)272-8103. The examiner can normally be reached on 8:30 am- 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. M. B./  
Examiner, Art Unit 3661

/Thomas G. Black/  
Supervisory Patent Examiner, Art Unit 3661